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**VIA ECF**

The Honorable Robert W. Lehrburger  
United States District Court  
Southern District of New York  
500 Pearl Street, Courtroom 18D  
New York, New York 10007

**Re: *Hess and Padilla v. Bed Bath & Beyond, Inc.***  
**Index No. 1:21-cv-4099-AT**

Dear Judge Lehrburger:

The undersigned represents Defendant Bed Bath & Beyond Inc. (“Bed Bath & Beyond”) in this matter. I write on behalf of both parties to update the court on the status of discovery. The parties remain in the process of completing discovery. As Your Honor is aware, Plaintiff is in the process of drafting a third amendment to the complaint, the scope of which may alter how discovery proceeds in the case. In addition, many of the deadlines from the revised case management order of November 30, 2021, will have to be re-issued in light of the amendments, and Plaintiff’s counsel’s medical leave, among other things. Once the third Amendment has been finalized, the parties will be in a better position to create a new case management order.

Thank you for Your Honor’s consideration.

Respectfully submitted,

/s/ *Jeffrey H. Ruzal*

Jeffrey H. Ruzal

cc: Steven Moser, Esq. (via ECF)